



## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

#### **Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review and Rescission, in Part; 2019**

**AGENCY:** Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) determines certain producers/exporters of polyethylene terephthalate film, sheet, and strip (PET film) from India received countervailable subsidies during the period of review (POR), January 1, 2019, through December 31, 2019. Additionally, we are rescinding the review for one company with no shipments of subject merchandise to the United States during the POR.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Nicholas Czajkowski or Richard Roberts, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1395 or (202) 482-3464, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### Background

Commerce published the *Preliminary Results* of this review on August 2, 2021, and invited comments from interested parties.<sup>1</sup> On November 1, 2021, Commerce extended the deadline for the final results of this review until January 28, 2022.<sup>2</sup>

For a complete description of the events that occurred since the *Preliminary Results*,

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<sup>1</sup> See *Polyethylene Terephthalate Film, Sheet, and Strip from India: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Intent To Rescind in Part; 2019*; 86 FR 41450 (August 8, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, “Polyethylene Terephthalate Film, Sheet and Strip from India: Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 2019,” dated November 1, 2021.

*see* the Issues and Decision Memorandum.<sup>3</sup>

### Scope of the Order

The products covered by this order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded from India. For a complete description of the scope of this order, *see* the Issues and Decision Memorandum.

### Analysis of Comments Received

All issues raised by the interested parties in their case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of these issues is provided in Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and CVD Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Changes Since the Preliminary Results

Based on the comments received from interested parties, we revised the calculation of the net countervailable subsidy rates for all companies. For a discussion of these issues, *see* the Issues and Decision Memorandum.

### Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>4</sup> For a description of the

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<sup>3</sup> *See* Memorandum, "Issues and Decision Memorandum for the Results of the Countervailing Duty Administrative Review; 2019: Polyethylene Terephthalate Film, Sheet, and Strip from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

methodology underlying all of Commerce's conclusions, *see* the Issues and Decision Memorandum.

#### Rescission of Administrative Review, in Part

It is Commerce's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.<sup>5</sup> Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period.<sup>6</sup> Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated countervailing duty assessment rate calculated for the review period.<sup>7</sup>

According to the CBP import data, one company subject to this review, Vacmet India Limited, did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended. Because there is no evidence on the record of this segment of the proceeding to indicate that this company had entries, exports, or sales of subject merchandise to the United States during the POR, we are rescinding the administrative review with respect to this company consistent with 19 CFR 351.213(d)(3).

#### Rate for Non-Selected Companies Under Review

There are three companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents. For these companies, because the rates calculated for the sole mandatory respondent, SRF, was above *de minimis* and not based entirely on facts available, we are applying to the non-selected companies SRF's rate. This methodology

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<sup>5</sup> *See, e.g., Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015, 82 FR 14349 (March 20, 2017); see also Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017, 84 FR 14650 (April 11, 2019).*

<sup>6</sup> *See* 19 CFR 351.212(b)(2)

<sup>7</sup> *See* 19 CFR 351.213(d)(3).

to establish the all-others subsidy rate is consistent with our practice and section 705(c)(5)(A) of the Act, which governs the calculation of the all-others rate in investigations.

#### Final Results of Review

We determine the following net countervailable subsidy rate for the POR January 1, 2019, through December 31, 2019:

| <b>Manufacturer/Exporter</b>  | <b>Subsidy Rate (percent <i>ad valorem</i>)</b> |
|---|---|
| SRF Limited <sup>8</sup>  | 5.39 percent                                    |
| <b>Review-Specific Average Rate Applicable to the Following Companies<sup>9</sup></b> |   |
| Ester Industries Limited  | 5.39 percent                                    |
| Garware Polyester Ltd.  | 5.39 percent                                    |
| Jindal Poly Films Ltd. <sup>10</sup>  | 5.39 percent                                    |

#### Disclosure

We intend to disclose to interested parties the calculations and analysis performed for these final results of review within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

#### Assessment

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

With respect to the company for which this administrative review is rescinded (*i.e.*, Vacmet India Limited), countervailing duties shall be assessed at rates equal to the cash deposit

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<sup>8</sup> SRF Limited is also known as SRF Limited of India.

<sup>9</sup> This rate is based on the rate for the respondent that was selected for individual review, excluding rates that are zero, *de minimis*, or based entirely on facts available. See section 735(c)(5)(A) of the Act.

<sup>10</sup> This company is also known as Jindal Poly Films Ltd. (India). This company was incorrectly identified in the *Preliminary Results* as Jindal Polyester Ltd. The name has been corrected in these final results.

rate required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2019, through December 31, 2019, in accordance with 19 CFR 351.212(c)(1)(i).

#### Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above for the above-listed companies with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

The final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: January 26, 2022.

**Lisa W. Wang,**  
*Assistant Secretary for Enforcement and Compliance.*

## **Appendix**

### **List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order Information
- IV. Subsidies Valuation
- V. Analysis of Programs
- VI. Analysis of Comments
  - Comment 1: Whether Commerce Correctly Calculated SRF's Benefits Received for the Special Economic Zones (SEZ) Program
  - Comment 2: Whether Commerce Used the Correct Denominator to Calculate Benefits for the SEZ Program
- VII. Recommendation